

10/590, 140

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: LP-2019

Applicant : Dominique MICHEL et al.
Serial No. : Unknown (371 of PCT/EP2005/001781,
Filed : August 21, 2006
Title : PROCESS FOR THE PREPARATION OF ENANTIOMERICALLY
PURE 1-SUBSTITUTED-3-AMINOALCOHOLS

ART STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A copy of the International Search Report from applicants' corresponding
International patent application is enclosed.

Enclosed is a copy of ROBERTSON, D. W., et al., *JOURNAL OF
MEDICINAL CHEMISTRY*, AMERICAN CHEMICAL SOCIETY, WASHINGTON,
US, vol. 31, no. 7, 1 July 1988 (1988-07-01), pages 1412-1417, (Robertson et
al.). The International Search Report cited Robertson et al. as being particularly
relevant by itself (Category X), cited scheme 1 on page 1413, and page 1416,
column 1, paragraph 6 of Robertson et al. as being relevant, and cited Robertson
et al. as being relevant to Claim 10 of applicants' corresponding international
patent application.

Enclosed is a copy of U. S. Patent No. 6,008,412 (Ratz et al.) The
International Search Report cited Ratz et al. as being particularly relevant by
itself (Category X), cited column 2, Claims 3, 4, 7 and 8, and Examples 1

to 3, 7, 8 and 10 of Ratz et al. as being relevant, and cited Ratz et al. as being relevant to Claim 10 of applicants' corresponding International patent application.

Enclosed is a copy of SAKURABA, S., et al., vol. 43, no. 5, 1995, pages 748-753, (Sakuraba et al.). The International Search Report cited Sakuraba et al. as being particularly relevant when combined with another reference in the same category (Category Y), cited page 751, column 1, paragraph 5, to column 2, paragraph 1, and Table 1 of Sakuraba et al. as being relevant, and cited Sakuraba et al. as being relevant to Claims 1 to 10 of applicants' corresponding International patent application. Sakuraba et al. is discussed on page 3 of this application.

Enclosed is a copy of "Prepn. of optically active beta-aminoalcohol - by asymmetric hydrogenation of acid salt of 1-phenyl-3-amino-propanone using metal complex catalyst having phosphino:pyrrolidine ligands", DERWENT, no. 131254, 1993, LONDON, GB, abstract (Fuji). The International Search Report cited Fuji as being particularly relevant when combined with another reference in the same category (Category Y), cited all of Fuji (an abstract) as being relevant, and cited Fuji as being relevant to Claims 1 to 10 of applicants' corresponding International patent application.

Enclosed is a copy of Japanese Published Patent Application 05070412 (Japanese '412). The International Search Report states that Fuji is an abstract of Japanese '412. Japanese '412 is discussed on page 3 of this application.

Enclosed is a copy of European Published Patent Application No. 0457559 (European '559). The International Search Report cited European '559

as being particularly relevant when combined with another reference in the same category (Category Y), cited page 3, lines 16 to 19, page 5, paragraph 1, Examples 1 and 4, and Claims 1 and 6 of European '559 as being relevant, and cited European '559 as being relevant to Claims 1 to 10 of applicants' corresponding International patent application.

Enclosed is a copy of WO 2004/005239 (WO '239). The International Search Report cited WO '239 as being technological background (Category A), cited page 4, line 8 to page 5, line 9, page 6, lines 23 to 30, Examples 9 and 10, and Claims 1, 5, 10 and 11 of WO '239 as being relevant, and cited WO '239 as being relevant to Claim 10 of applicants' corresponding International patent application. WO '239 is discussed on page 1 of this application.

Enclosed is a copy of WO 2004/005307 (WO '307). The International Search Report cited WO '307 as being technological background (Category A), cited Examples 1 and 2, and Claims 1 and 13 to 16 of WO '307 as being relevant, and cited WO '307 as being relevant to Claim 12 of applicants' Corresponding International patent application. WO '307 is discussed on page 1 of this application.

Enclosed is a copy of Huiling et al., Chirality, 2000, 12, 26 to 29, that is discussed on page 1 of this application.

Enclosed is a copy of Sorbera et al., Drugs of the Future, 2000, 25(9), 907-916 that is discussed on page 1 of this application.

Enclosed is a copy of WO 2004/005220 that is discussed on page 1 of this application.

Enclosed is a copy of European Published Patent Application No. 0647648 that is discussed on page 1 of this application.

Enclosed is a copy of European Published Patent Application No. 0926152 that is discussed on page 1 of this application.

Enclosed is a copy of European Published Patent Application No. 0945457 that is discussed on page 1 of this application.

Enclosed is a copy of European Published Patent Application No. 0955303 that is discussed on page 1 of this application.

Enclosed is a copy of WO 02/40492 that is discussed on page 1 of this application.

Enclosed is a copy of Sakuraba et al., *Chem. Pharm. Bull.*, 1995, 43, 748-753, that is discussed on page 2 of this application.

Enclosed is a copy of William J. Wheeler, et al. *JOURNAL OF LABELLED COMPOUNDS & RADIOPHARMACEUTICALS*, 1995, 36, pages 213-223 which was referenced on page 2 of the specification.

A list of the above-mentioned references is enclosed.

Respectfully submitted,

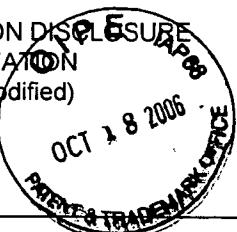
Virgil H. Marsh

Virgil H. Marsh
Registration No. 23,083

Date: Oct. 18, 2006

Fisher, Christen & Sabo
1725 K Street, N.W. Suite 1108
Washington, D.C. 20006

Telephone: 202-659-2000
Facsimile: 202-659-2015

| FORM PTO-1449 INFORMATION DISCLOSURE CITATION (modified) | | Atty Docket: LP-2019 | Serial No.: Unknown | | | | |
|---|--|---|---------------------|-------------------|-------|-----------|----------------------|
|  <p>Applicant: Dominique MICHEL et al.</p> | | | | | | | |
| | | Filing Date: August 21, 2006 | Group: | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| Examiner Initial | | Document Number | Date | Name | Class | Sub-Class | Filing Date |
| | | 6,008,412 | 12-28-1999 | Ratz et al | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| Examiner Initial | | Document Number | Date | Country | Class | Sub-Class | Translation Yes * No |
| | | JPA5070412 | 1993 | Japan | | | X Abstract |
| | | EP 0457559A2 | 5/15/1991 | EUROPE | | | |
| | | W02004/005239A1 | 1/15/2004 | PCT/EP2003/007411 | | | |
| | | WO2004/005307A1 | 1/15/2004 | PCT/EP2003/007312 | | | |
| | | WO2004/005220 A2 | 1/15/2004 | PCT/FR2003/002086 | | | |
| | | EP 0647648A1 | 4/12/1995 | EUROPE | | | |
| | | EP 0926152A1 | 6/30/1999 | EUROPE | | | |
| | | EP0945457A2 | 9/29/1999 | EUROPE | | | |
| | | EP0955303A2 | 11/10/1999 | EUROPE | | | |
| | | WO0240492 A1 | 5/23/2002 | PCT/FR01/03607 | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.) | | | | | | | |
| | | Robertson, D.W. et al. , JOURNAL OF MEDICINAL CHEMISTRY, AMERICAN CHEMICAL SOCIETY, WASHINGTON, US, vol. 31, no. 7,1 July 1988 (1988-07-01), pages 1412-1417. | | | | | |
| | | SAKURABA, S., et al., vol. 43, no. 5, 1995, pages 748-753, (Sakuraba et al.) | | | | | |
| | | "Prepn. of optically active beta-aminoalcohol - by asymmetric hydrogenation of acid salt of 1-phenyl-3-amino:propanone using metal complex catalyst having phosphino:pyrrolidine ligands", DERWENT, no. 131254, 1993, LONDON, GB, abstract (Fuji) | | | | | |
| | | Huiling et al., Chirality, 2000, 12, 26 to 29. | | | | | |
| | | Sorbera et al., Drugs of the Future, 2000, 25(9), 907-916 | | | | | |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.S./

| | | | |
|--|--|--|---------------------|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION (modified) | | Atty Docket: LP-2019 | Serial No.: Unknown |
| Applicant:: Dominique MICHEL et al. | | | |
| | | Filing Date: August 21, 2006 | Group: |
| | | Sakuraba et al., Chem. Pharm. Bull., 1995, 43, 748-753 | |
| | | William J. Wheeler, et al. <i>JOURNAL OF LABELLED COMPOUNDS & RADIOPHARMACEUTICALS</i> , 1995, 36, pages 213-223 | |

| | |
|---------------------------|-----------------------------|
| Examiner: /Taofiq Solola/ | Date Considered: 07/27/2009 |
|---------------------------|-----------------------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to

Applicant REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /T.S./